G. R. S. IX-5]

Previous references.

L.R. 245-12 (1-2)

1914-15

(G71)

File No. 387-14

Serial Nos. 1-18

Later references.

Geol 83-18.
" 83-18 (405)
Ld 261-22-4663. 170.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-18

Part B for September 18.

SUBJECT.

Question of granting permission to the Goldfields Vanadium Mining Co to remove boulders from Government Farm Vaalk, and certain creditors

---

G 6087-92 G 23-9-18

To the auditor of Geology
Treasurer Dept of Mines
The Chief Engineer
The Revenue Chief
The Comptroller
The Agr Chemist
directs attention
granted on certain

W D 88—GPB—50,000—24-7-16

(For Disposal at next Meeting)

No. C. 851

5-8-1918

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Question of granting permission to the Oorgaum and Nandidroog companies to remove the tailings from the Sonna kuppam tank on certain conditions.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram

5th August 1918. Chief Secretary to Government.

Extraordinary Member of Council.

653. 7.8.

First Member of Council. 6/8

108 5.8.18.

Second Member of Council.

6.8.18

63 10.8.18

WD 2670—GPB—1,000—11-5-17

G. R. S. 11] 1916-75

GENERAL AND REVENUE SECRETARIAT.

G.H.

NOTES.

File No. 387

FILE HEADING.

Grant of permission to the Nandidrug Co., Ltd. to work the tailings in the Somwarkuppam Tank

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

GPB—20,000—8-8-14

Urgent.

No. 31
Encl. 1 file

M.G.D. 22]

MYSORE

GEOLOGICAL DEPARTMENT.

TO THE DEWAN OF MYSORE

FOR ORDERS.

SUBJECT:—

Grant of ~~a mining lease~~ permission to the Nundydroog Company, Ld., to work the tailings in the Sonnakuppam Tank.

1698
18-9-14

I beg to enclose for orders a letter dated 14th September 1914, from the Superintendent of the Nundydroog Company, in reply to my letter No. 200 dated 23rd July 1914, offering the Company a lease to excavate tailings from the Sonnakuppam Tank. The Managers protest against the imposition of the sur-tax of 3 d. per ton which the Government proposed and point out that the tailings are the property of the Company, although wind and rain have carried them somewhat beyond their boundary.

2. As I have previously stated, I agree with the view that the tailings really belong to the Company and that it is rather invidious to endeavour to force them to pay more royalty ~~than~~ than their lease provides

5 A) The Financial Secretary may be consulted and the case brought up at a meeting of Council.

6.5.15. dlb 9 Dec 15

GPB—240—9-11-08

4. In the event of the Company failing to remove the tailings to the satisfaction of Government the permission may be withdrawn and Government shall be at liberty to take such steps as they may consider necessary for the cleaning out of the tank bed.

5. If you will kindly pass orders on these proposals I will submit any draft necessary.

Secretary to Government,

17th Sept. 1914. Geological Department.

1858

F. R. S. 12]

General and Revenue Secretariat. G-M File No. 387 of 1914-15

Serial No.

This 1021-14

G

This 1858 file

6 - Forwarded to Financial Secretary for favour of opinion

H.O.
HP
8/5-15

Seen
Sec
11/5/15 (Secy)

HS
12/5

1781

7 - I am not in favour of modifying the terms already agreed by Govt. - The tailings no doubt were the property of the Companies originally but the Companies allowed their property to fall into the tank which has caused damage to the tank & loss to rights & probably also to Govt. In this view it is but right that the Companies should partly compensate Govt by paying the small additional royalty of 3d a ton which would amount to about Rs 30,000 (thirty thousand).

8 - Another point has to be noticed - The tailings are said to have belonged to two Companies & if we give it to only one steps should be taken to see that claims from the other cannot be made in future.

M
13/5

for VJ

NOTE—Contn. sheet.

GPB—25,000—22-3-15

Mss 10-21

6

[G. R. S. 12]

General and Revenue Secretariat. | G.M. File No. 387 of 1914-15

Serial No.

9) Resubmitted with reference to the Dewan's order on p. 2 ante.

W Mss 15-5-15 Secretary

LD 17/5-15.

C.S. 17/5/15

10) There is little doubt that the Company cannot claim any property in the tailings. It is a moot point whether they were bound to see that the tailings did not go beyond their lands & cause damage to the tank, and whether they can be compelled to indemnify. The Ldt. Dept. may see if any authorities can be traced.

LD 18/5/15

11) If we must anyhow clear the tank, it may be advisable to accept the Company's terms, but that would depend on the cost required.

Ry Mss 6 27-14

31/5/15 Dewan 1/6

Branch III

LD 1.6.15

NOTE—Contn. sheet.

GPB—25,000—22-3-15

General and Revenue Secretariat.

G/M File No. 387 of 1915-16.

Serial No.

12 Two points have to be noted for consideration in this case. The first point is whether the companies can claim the tailings in the bank as their own, and the second is whether they can be compelled to indemnify the Govt for allowing their tailings to go beyond their land, and damage the bank.

(3) As regards the first point, the general principles of law seem to support the claim of the companies unless it is proved or presumed that they have abandoned their right ~~by~~ expressly or impliedly.

(4) With regard to the second point, the decision depends on the construction of the document granting the lease, and in its absence upon general principles of law. A copy of the actual lease is not in the file, but if the printed copy in the file is the one generally adopted in such cases, then clause 42 of the agreement is wide enough to cover cases of the kind in question, and under this clause, the company will be bound to indemnify against all "expenses" "whatsoever by reason or in consequence of any injury to, or interference with any property, whether occasioned by or arising directly or indirectly in

NOTE—Contn. sheet.

GPB—25,000—22-3-15

Serial No.

carrying on mining operations" on a proper construction of this clause in the agreement, it seems clear that the companies are liable. "When a party by his own contract creates a duty or charge upon himself, he is bound to make it good, if he may, notwithstanding any accident by inevitable necessity, because he might have provided against it by contract." (Paradine v Jane in Lord Halsbury's Laws of England Vol 27 p 494) To the same effect are the observations of the Judges in Nichols v Marsland (1876. 2 Ex. D. 1 at p 4), "when a party by his own contract creates a duty, he is bound to make it good notwithstanding any accident by inevitable necessity." In this case, it is clear that ~~one~~ when a party is not absolved from liability even in cases of inevitable necessity, there can be no doubt of his liability when the injury or damage is done in the ordinary course of nature.

15) Granting that there is no express contract as in Article 42 of the contract, even then under the general principles of law the companies will be liable. In support of this view, reliance may be placed on the rule in Rylands v Fletcher. The rule of law

NOTE—Contn. sheet.

GPB—25,000—22-3-15

J Mis 027-16

4

G. R. S. 12]

General and Revenue Secretariat.

G M File No. 387 of 1914-15

Serial No.

was thus laid down by Mr Justice Blackburn "We think that the true rule of law is that the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes must keep it at his peril, and if he does not do so, he is prima facie answerable for all the damage which is the natural consequence of its escape." The Companies cannot plead His Majesty as the Tailings were washed away in the ordinary course of nature, and they seem to me to be clearly liable

EG
17-7
16.8.15

Asst Member)

16. I do not understand on what general principles the Tailings continue to belong to the Company, when they allow it to be washed off by rain &c out of their control. The presumption shd be that they abandoned their rights.

Para 3 of P. U. D.

17. As for Super tax (3d para)

NOTE—Contn. sheet.

GPB—25,000—22-3-15

. R. S. 12]

General and Revenue Secretariat.

Q-M File No. 387 of 191 6-15

Serial No.

Whether this would be fair or legal depends on what can be imposed if a third party is allowed to work the tailings in the tank bed.. What is the rule applicable?

If on the points now raised, the Director may be consulted (NO.) & the case then brought up before Council.

7/8/15 [illegible]

Forwarded to the Director, Dept of Mines & Geology for favour of a reply on the above points.

by order
[illegible]
Dy Secy
Dept

Dangerfield
10 Aug. 1915

The Case may come up before Council without again going to the Director as the Company practically is to be given a new lease, as suggested in the Govt. Secy's

In the order of the Hon'ble Members on certain references being submitted to him personally by me with the permission of the Secretary:

NOTE—Contn. sheet.

16/8-15

GPB—20,000—30-6-15.

General and Revenue Secretariat.

GM File No. 387 of 1914-15

Serial No.

Noted. 30.7.13

No. On the Conditions therein laid down, it seems to be a fair contract for Govt. to enter into.

13/8/15

21 P.I.O. for a further note & orders thereon by 14.8.15

16/8-15

GPB—25,000—2-11-14

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

All right. The file may be circulated now & brought up after meeting where the Gas question will no doubt be further considered. [illegible]

2nd I have the pardon of the First Member for troubling him again with this file—

23 I am rather in doubt whether the word "as" in line 3 of the order of yesterday should not be "if", for although the Director suggested the offer of a lease in his note of 30th July '13 & actually communicated it to the Company & the latter has practically acquiesced in the suggestion (p. 4 ante bot of file), yet in his last note of 17 Septr. owing to the pressure put by the Deputy Comm[r] for the early clearing of the Lines. ~~removal of the railings~~ the Director has suggested as the simplest way out of the difficulty grant of permission to the Company to remove the railings.

24 The object of my personally writing on the First Member yesterday

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

G.R.S. 13]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

GPB—50,000—29-6-14

Hon only to Explain Marquess
in his order of 7th inst.

(1) That by the Directors
suggestion of a new lease
& the implied acquiescence
of the Company, the question
of the ownership of the
Railways was set at rest
& (2) That if a third party
was given the permission
it could only be by a
lease which would not
be advantageous to York
apart from the fact that
Mr Brady would care for
the lease.

2 If I did not Express
myself clearly I again
seek his pardon for wasting
his time. -

3 Perhaps the word "as"
may be omitted in 3d line
& the words "is to" substituted
by may in 4th line & the
date "30th July 1913" inserted
after "Secy's note" which
is what I thought the First Member
meant. -

27 Vide First Member's order 14/6-15
on the preceding page —

Sl. Secy. 16/6-15

For disposal at a Meeting.

No. C.630.

20. 5 1915.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

Grant of permission to the Nundydroog Company, Ltd., Oorgaum, to the tailings in the Sonnakuppam Tank.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

Deputy *Secretary to Government.*

20th May 1915.

Extraordinary Member of Council. 25.8.15.

First Member of Council. opinion recorded by First

Second Member of Council. 28/8

GPB—1,000—28-8-14

GPB—1,000—19-7-13

Extract from the Proceedings of the ~~.....~~ Special ~~.....~~ Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 16th September 191 5.

6. SUBJECT. - (Outside the Schedule).

Grant of permission to the Nandidrug Company Ltd., Gorogam, to work the tailings in the Sonnakuppam Tank.

OPINION OF THE COUNCIL.

28. In addition to the conditions already accepted, the payment of a fixed charge of 3 ponse ~~per~~ per ton of tailings removed may be insisted upon.

Sd. M. Visvesvaraya,
Dewan of Mysore.

"Extract"

D. M. Narasinga Rao 18/9
Secretary to Government,
General Department.

G. R. S. 12]

General and Revenue Secretariat.

G. M. File No. 387 of 1915-16.

Serial No.	
29.	A draft Submission Note is put up. Dewan Bahadur Raghavaiah 24/9 Dewan)

1683
24-9-15

NOTE—Contn. sheet.

GPB—20,000—30-6-15

Submitted to His Highness.

Flag H
Flag G.

30. (1) In accordance with the orders of His Highness dated the 20th July 1914, the Nandidrug Company were informed that the lease for the removal of the tailings from the Sonnakuppam tank would be given to them on the following terms among others:-

(i) Royalty at 5 per cent on the gold obtained.

(ii) 2½ per cent on profits or dividends.

(iii) Fixed charge of 3d per ton of tailings removed

(2.) While agreeing to the 1st and 2nd conditions which are common to the Gold Mining leases, the Company

Paper under disposal

object to the 3rd condition mainly on the following grounds:-

(a) The tailings were originally their own property which became lodged in the Sonnakuppam tank by forces beyond their control.

(b) An extra charge of 3d per ton means that 25 per cent of the total profit will go to Government as royalty. This is too large.

(3.) The Company cannot claim any property in the tailings. They allowed it to be washed off by rain,&c., out of their control and what were originally the properties of at least two Companies got mixed up in the tank. The proper presumption therefore is that the Company abandoned the right they had.

Flag E.

(4.) Both under the general principles of law and under Clause 42 of the mining lease held by the Company, they are bound to refrain from causing damage to other property and to indemnify lessors from all loss sustained.

Flag F.

The Deputy Commissioner of Kolar reports that the

tank is already silted up and serious damage will result if it is not cleared of the tailings. Consequently a remedy is open to Government should the Company refuse to agree to the third condition eventually.

Page 14 of office Note.

(5.) The Council are accordingly of opinion that in addition to the conditions already accepted, the payment of a fixed charge of 3d per ton of tailings removed may be insisted on. A revenue of about Rs30,000 is expected in this way.

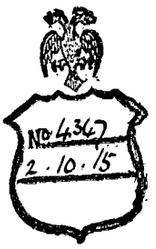
Page 14 of office Note.

(6.) The proposal of the Council may be approved.

M. Visvanadha
2nd Oct. 1915.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



Terms to be imposed in regard to the grant of the lease to the Nandidrug Company, Limited, for the removal of the tailings in the Sonnakoppam tank.

32 3

Order.

31. ~~KRMS~~
5/10/15

Lawley

32 6.10.15
Draft to be Subd
very Earl: Done
7/10

KG
9/10-15

2R.245-12

G. R. S. 12]

General and Revenue Secretariat.

GR File No. 387 of 1914-15

Serial No.

33 A Draft of a letter to the Director is submitted for approval as per order on the preceding page.—

34. It is presumed that the proposal now is to allow the Company to remove the tailings as suggested by the Director in his letter of 17th Sept 1914 (para 3 end) instead of granting them a lease as suggested by the Director in paragraph 8 of his letter No. 15 dt 30-7-13.

35 The grant of a long term lease may also be inconvenient as the Company may take their own time to remove the silt & the bank may in the meantime be endangered.—

H. Leeds.

13/10-15

3) The revised draft letter to the Director may be approved.

Dewan)

Dewan
16/10

2123
17-10-15

3) Draft approved by Dewan.

Dewan 4/11

Dewan
4/11

30-10-15

To. The Director of Mines & Geol.

No: G5576 dt 2-10-15

With reference to Memo No: 31 dt 17-9-15

4/11-15

NOTE—Contn. sheet.

GPB—20,000—30-6-15

10187 20

G. R. S. 12]

General and Revenue Secretariat. | Cr. M File No. 387 of 1914-15.

Serial No.

requests him to explain clearly to the Nundidurg Company that the Sonnakuppam tank is silted up by reason of the company's operations & that serious damage will result if it is not cleared of the tailings & to inform them that govt will permit the removal of the tailings by the company provided that in addition to the conditions already accepted by them they agree to pay a fixed charge of 3d per ton of tailings removed & calls for early report in the matter.

Immdy issued. Gnd 2 From the same office

Sms 30. No. 36404 23-5-16.

Forwards for information a copy of letter dt 15-5-16 from the Supdt of the Nundydroog Co. Ltd, stating that Mr H.M.A. Cooke, present Supdt of the Oorgaum Gold Mining Co wishes to go fully into the matter & requesting that it may be allowed to hand over for some time until he has been able to do so.

Submitted 38) Forward copy of Director's letter & ask him whether the suggestion may be allowed for a time to be experimented

AHS 8-6-16. VS

9/6-16

39) Submitted with a draft.

AHS 10-6-16. VS

40) Issued

10/6-16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

1018/301 21

7950

General and Revenue Secretariat. | G M File No. 387 of 1914-15.

Serial No.

3 — To the Deputy Commissioner, Kolar district.
No. G. 16851 D/ 17-6-16

Forwards copy of R no 2 together with a copy of its enclosure & requests him to report whether the question of the removal of the tailings from the Sonnakuppam Tank may be allowed to lie over for a time as requested.

SRS

4 From the same officer
No H. C. 82 D/ 6-7-16

States that the matter may be allowed to stand over for the present as suggested by the Nandidroog Company.

Submitted
AHS. 13-7-16

42) 25/7/16

Remainder attached S. no 36 on 28-12-16 & on 12-2-17

GRS.

5 From the Director (in charge), Dept of Mines & Geology.
No 2534 D/ 6-3-17

States that the Superintendent of the Nandydroog Co requests that the question of the terms for the grant of permission to that company to work the tailings in the Sonnakuppam Tank may be allowed to remain in abeyance for sometime as he wishes to discuss the matter with Mr Arthur C. Taylor of Messrs John Taylor & Sons, who is expected to return from Burmah to the Fields shortly & Mr. Cooke, Supdt of the Coolgum Co.

Submitted
AHS. 9-3-17.

44) C Hayle Cumdell 11/12/3/17

Recd on 14-3-17.

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat. | G.M File No. 387 of 1914-16.

Serial No.

45) Submitted with a draft.
AHB. 14-3-17

46) Issue
W 15/3/17

6. Do

The D. Commissioner
Kolar.

No 12564 of 19.3.1917.

Forwards a copy of letter no 2538 of 6.3.1917 from the Director (In charge) and requests to be so good as to report whether the question may be allowed to remain in abeyance for some time as requested.

Cvl

From the Deputy Commissioner, Kolar &c.
No H.C. 82 Dt 23-3-17

States with reference to Pt 6 that the question of the removal of the tailings from the Sowcarpet tank may be over for sometime as suggested by the Supdt, Nundydroog Gold Mining Co Ltd.

Submitted
AHB. 29-3-17.

47) Issue copy for the Commissioner but would like Director's final remarks.

7/4-17

48) Submitted with a draft to the Director.
AHB. 11-4-17.

49) Issued
12/4-17

Contn. sheet.

GPB—70,000—17-12-15

WD 1233—GPB—60,000—1-12-16—S.

23.

G. R. S. III-2

General and Revenue Secretariat.

GM File No. 387 of 1914-15.

Serial No.	
8	To The Director in charge M/S D/ 14284 of 24-4-17. States that there is no objection to allow the question to remain in abeyance for some time as requested but Govt would like the disposal of the matter expedited. P.T.O.

NOTE—Contn. sheet.

P. T. O.

REPLY.

(To be written on this margin.)

Office of the Dewan of Mysore.

NOTE.

Dated 28th April *1917*.

RR.
9.

Letter dated the 16th April 1917 from Mr. H.M.A.Cooke of the Oorgaum Gold Mining Co., regarding the removal of tailings from the Sonnekoppa Tank, and reply thereto.

"""

50) Forwarded to the Secretary, General Department.

51) The question may be re-examined in the light of the information furnished by Mr. Cooke, and sent up to me with a draft reply.

52) Mr Henry Taylor has spoken to me in the matter.
28-4-17 RC

The Secretary,
General Department.

V
30/4-17

9#266

WD 1233—GPB—60,000—1-12-16—S.

25

G. R. S. III-2]

General and Revenue Secretariat. | G.M. File No. 387 of 1914-15.

Serial No.

10 To H.M.A. Cooke Esq
Gorgaum Gold Mining Co.
No 4876 dt 26-4-17.

Acknowledges the receipt of his letter dt 16-4-17 and states that the question will be examined again & the decision of Govt communicated to him in due course.

53) Submitted with a draft.
AHS. 1-5-17.

54) Issue 1/2/5/17

11 Do
The Director Mines & Geology
No 1461 dated 2nd May 1917

With ref to Sl. 8 requests that the file of papers relating to the subject of the Nandidrug Co application for permission to work the tailings of the Sonnakappa tank may kindly be forwarded for reference

12 From the Game office
No 2991 dt 4-5-17.

Forwards the file of papers called for in Sl. 11

55) Submitted with reference to paragraphs 5-1 and 5-2.
AHS. 7-5-17.

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

b

G. R. S. III-2]

General and Revenue Secretariat. | G/M File No. 387 of 1914-15.

Serial No.

S. of S.

P. U. & I.

5b) The facts of the case are fully set forth in the Memorandum Notes dated 16th July 1914 & 2nd October 1915 respectively.

57) In the present communication Mr. Cooke represents

(1) that the tailings belong to the Mines, as they were originally their own property which became lodged in the tank by forces beyond their control;

(2) that the ryots have now a continuous supply of water from the Mines, which they were unable to obtain previously;

(3) that, as it is a difficult & expensive matter to treat the tailings in addition to the cost of removing the tailings the usual royalty may be levied without any additional charge royalty; and

(4) that permission may be granted to remove the tailings from the tank in return for compensation for damage if any.

para 3. Flag Y.

58) The first point has already been settled. It has been decided that the Mines cannot claim any property in the tailings.

59) The third point viz payment of royalty at 5 % on the gold obtained and 2½ % on dividends which is common to all gold mining cos has been already accepted by the applicant.

para 1 Flag Y.

60) The point for orders now is if the proposed charge of 3 d. per ton of tailings removed be found to be very heavy what amount may be charged as compensation for damage done to the tank.

61) If approved the Director & the Chief Inspector of Mines may be consulted in the matter.

62) Yes. A. M. Chief 11/9/17

ABS. 9-5-17.

NOTE—Contn. sheet.

DEPARTMENT OF MINES & GEOLOGY
REGD. No. 3/a.4.
10 MAY 1917
MYSORE STATE.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

27

General and Revenue Secretariat.

G M File No. 287 of 1914-15.

Serial No.

No 133-160
10/5/17

63) Forwarded with compliments to the Director (in ch
of Mines & Geology for favour of advice

By order.

10.5.17

for Secretary to Govt
General Department.

Put up with references.
10.5.17.

No. 3168
Encl. two files.

Dated 24th May 1917.

REC'D
25 MAY 1917

64) Though the tailings in question are the products of the Nundydroog and Ooregum Companies obtained after an expenditure of a considerable amount of their money and labour and have been washed off into the tank by forces of nature, the Companies have, as already decided by Government, abandoned their right to them. But in view of the facts that (1) their treatment is difficult and expensive. (2) that no one else can do it at a profit and (3) that even the Nundydroog Company can obtain but a very small return from the undertaking, the proposed surtax of 3d. per ton of the tailings appears to be prohibitive.

65) Further, the reports of the Deputy Commissioner show that the ryots holding lands under the tank have no complaint and that more good than any damage has been done by the operations of the Companies, inasmuch as the overflow

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | G. M File No. 387 of 1914-15.

Serial No.

overflow of water which is pumped out from the mines enables the ryots to raise two crops a year instead of only one as formerly, that the value of the lands has risen two fold and three fold owing to the continuous supply of water and that the capacity of the tank will also be considerably increased by the removal of the silt by dredging. These facts sufficiently nullify the grounds upon which the surtax was suggested by the Financial Secretary in his note of the 13th May 1915

66) The question has been a long-pending one and it will be to the advantage of both parties concerned to come to some speedy settlement and expedite the cleaning up of the tank

67) Under these circumstances I beg to recommend that the claim for the surtax may kindly be waived and permission granted on payment of any compensation that may be due for any damage done to the tank.

B. Jaya Rama
Director (in charge).

REV. & GENERAL SECRETARIAT. V 25 MAY 1917

NOTE—Contn. sheet.

WD 1233—G.P.D.—60,000—1-12-16—S.

OFFICE OF THE ... KOLAR GOLD FIELDS
REGD. NO. 1133
MAY 28 1917
G. R. S. III-2]
General and Revenue Secretariat.

G.H File No. 287 of 1914-15.

Serial No.

N.O 142-16 d/26-5-17.

68) Forwarded with compliments to the Chief Inspector of Mines for favour of opinion.

By order

[signature]

for Secretary to Government
General department

26-5-1917.

N. 1315 d/28th May 1917.
Encs. 2 files.

G. D. DEPT. SECT.
29 MAY 1917

69) Recd by post, Sunday, 27.5.17.
Immediate)

K. K. 27.5.17.

70) Having inspected the tank in question, I am of opinion that the sooner the accumulation of tailings is cleared out the better, as there will then be a good chance of them being treated within a reasonable period, if permission is now accorded to the Mundydroog Co: to start operations. By delaying matters, a certain proportion of the accumulated Silt is bound, in the rainy season when heavy storms occur, to be washed away & this cannot be recovered.

71) The tank itself appears to have suffered no damage whatever, but, as far as the bund is concerned, this can only be proved after it has been cleaned out. Any damage done will be repaired by the Companies interested.

72) I agree with the remarks made by the Director (in charge), Dept. of Mines & Geology & entirely endorse

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

30

G. R. S. III-2

General and Revenue Secretariat.

G.M. File No. 38; of 1914-15.

Serial No.

his Views on the Subject. No good purpose will be Served by further delaying matters.

R. Bocquet. 28/5/17

Chief Inspector of Mines

GEN. & REV. SECRETARIAT. V GENERAL 29 MAY. 1917

73) Submitted with reference to paragraphs 5 and 62.

Adm. 29-5-17

74) 2nd Member. 29/5/17

383 29.5.17

75) Under what authority did the A/S make these unofficial references regarding landing with — when putting up the file for the Member's Perusal & Return. 30.5

Allan Cal Quee 9/10 12/3/17 Cancel 4/

77) Compensation for damage done to Wellington & the Harbourmaster's building by passage between vessels

78) The 2 pence charge for the ferry can be waived 15.6

15/6/17

NOTE—Contn. sheet.

1689/17

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat.

G.M. File No. 387 of 191 4-15.

Serial No.

7) Submitted with a draft as directed.

MHS. 16-6-17

8) Issue ch Secy 20/16/6/17

13 Do

The D. C., Kolar

Director, MM & S

No 16845/6 of 18.6.1917

Requests the favour of a report as to what sum the said Company req to mk, are willing to pay as damage & whether that sum would be adequate compensation:—

Files

14 From the same office.

No. Ref M.C. 82. dd 30-6-17.

noted on 5-7-17.

States with reference to the above ltr, in the correspondence between his office & the mining Company, there is no reference to show that the company ever expressed their willingness to pay compensation & requests that a copy of the communication of the company in the matter may be forwarded to him so that he may address the company on the subject.

8) Submitted for orders as to whether a copy of the may be sent to the Deputy Commissioner.

MHS. 5-7-17.

8) Contracts prefer to see Mysore Secy. 20/6/7/17

Gen Secy

8) Agree 6.7.17 20/6/7/17

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2.

32

General and Revenue Secretariat. | G M File No. 387 of 1914-15

Serial No.

By submitted with a draft.
HHS
7-7-17.
Hig

85 Noted 7/7/17

15 Do

the D.C. Kolar District
No 245 of 9.7.1917.
With ref. to Sl 14. forwards an extract from letter dated 16th April 1917, recd. from Mr H M A Cooke (refd to in Sl 9) in the matter of payment of Compensation for damage done to the tank & requests that our report called for in Sl 13 may be submitted early.

Sus.

Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

1684

General and Revenue Secretariat. | G. M. File No. 387 of 1914-15

Serial No. 16

From the Offg Deputy Commissioner
Kolar district
No HC 82 & 28-8-17

States inter-reference to the question of damage done to Bunakeffarne Tank by the tailings being allowed to be washed into it, that the information called for from the Assistant & Messrs Cooke & Richards, Superintendents of Mines, has not yet been furnished & on receipt of the same, a fecial report on the subject will be submitted at an early date.

Case papers on the subject have been submitted with a note to the Dewan 4-9-17.

30) May the report promised be awaited?

HJS 30-8-17

87) Yes. Remember me to the Asst Mackay

H V 31/8/17

17 From the same officer
No HC 82 & 3/9-10-17

Reports that the mines agree to pay as compensation about Rs 500/- on account of expenditure already incurred on Cart road (due to flooding of the road), about Rs 2000/- on account of further damage likely to be caused to the said road unless the necessary action be taken by the companies to prevent it and any remission which Govt allow the ryots for the loss of water supply to the lands may cultivation.

Submitted for orders.

HJS 11-10-17

Papers on the subject have been submitted with a note to the Dewan 24-8-17.

NOTE—Contn. sheet.

ND 1293—GPB—60,000—1-12-16—S.

General and Revenue Secretariat. | G.M. File No. 387 of 1914-15.

Serial No.

89 Ref - para 77.

2nd Member) W.J. 14/11/17

37/18.10.17

90) The abstract mentioned in the letter is wrong.

91) Some appellants not born yet. Has also been calculated. The letter reads but the running cash is debited release rate that they will pay - 3 lacs

92) Please prepare a carefully worded draft order approving the recommendations agreed at

W.J. 19/11/17

93) Draft approved by Secretary and Member Law 20.11 issue.

94) Holmes) W.J. 20/11/17

95) Dewan)

2679/20.11.17

96) May issue

20/11/17

8.1.18

W.J. 9/1/18

Explained in person to the Member W.J. 20/11/17

25 63

G.M. 387-14-17

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Ref. para 96.

97) The draft which has been approved modifies the terms set forth in a letter issued with the approval of His Highness.

98) A D.S.V. is now up with a D.T.V. (Chupra) 22/1/18

99) D.T.V. maybe approved. CBS 23/1/18

179 / 23.1.18 100) Mr. Wadhwa has been promoted to the rank of Major with effect from 2nd November 1917. 2/23/1/18

3963 / 25/1/18 101) Diwan

CBS 24/1/18 2/25/1/18

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

H.M. 387-14-17

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Tailings in Sonnakerpha Zamb

102 As instructed some time ago I discussed this case with Mr Bowring. He thought that the terms now recommended were fair.

103 As compared with the terms offered by Govt formerly the present terms are disadvantageous to Govt. But under the usual mining rules Govt do not levy any charge based on the whole raw material treated.

104 If the charge of 3d per ton of tailings is too high we may perhaps reduce it to 2d or 1½d, which the mines may perhaps be willing to accept.

105 Their main ground that the tailings are their property has not been accepted.

The matter may perhaps be again considered in Council

Dewar)
70
27.7.18

CBK
25/7/18
Rec 25.7.18

107 Yes. Please bring up at the next meeting of Council.

3-8-18 RB

C1. Submit- & 2 Members. + minutes in appendix

List 5/8/18

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

GM. 387-14

(1) ~~Subject~~ (5)

37

Informal.

Subject.-

Question of granting permission to the Oorgaum and Nandidroog Companies to remove the tailings from the Sonnakuppam tank on certain condition.

Opinion of the Council.

Bring up next meeting.
Circulate to Mr B.
CMG
8/8

108 A rate of 1½d per ton may be agreed, ~~to be~~
109 Ch Engr & Sec to be consulted & inspect & see that the tank is improved

CEEC
15.8.18

WD 15-8

Clerk
15.8.18

1p Chief Sec to ~~[illegible]~~ a draft

CMG
17/8/18

Please type
MG
20/8

111 D.F.N. and D.S.O. put up
Chief Secy)
Rec
20.8.18

112 D.F.N. submitted.

Extra Member
113 D.F.N. approved
CMG
21/8/18

Rec
23.8.18

237.165
22.8.18

2963-17

WD 1233—GPB—60,000—1-12-16—S.

38

F. R. S. III-2]

General and Revenue Secretariat.

G M File No. 387 of 1914-15

Serial No.

1195
27-8-18

114 D.S.N submitted.

Dewan

CK
26/8/18
Sec
26/8

NOTE—Contn. sheet.

P.T.O.

Final Note by the Extra Member of Council.

115

Subject:—

Question of granting permission to the Oorgaum and Nandidroog Companies to remove the tailings from the Sonnakuppam tank on certain conditions.

In accordance with the orders of His Highness, dated 5th October 1915, in regard to the grant of permission to the Nandidroog Company to remove tailings from the Sonnakuppam tank bed, the Company were informed that as the tailings had been allowed to be washed away, the presumption was that they had abandoned their right to them; that this apart, both were bound under the general principles of law, as well as under clause 42 of their mining lease, to indemnify the Government from all kind of damage to the tank etc., from their operations; and that therefore, the removal of the tailings could be permitted only if the Company agreed to give a fixed charge of 3d per ton of tailings removed in addition to the usual rates of royalty and the percentage on dividends which they had already agreed to pay.

As the Nandidroog Company wanted to have the opinion of the new Superintendent of the Oorgaum Company, they requested that some time might be given them for communicating their decision after he had had time to go fully into the question.

Mr. Henry Taylor also interviewed the Dewan on the subject on the 7th April 1917 and Mr. H.M.A. Cooke, the new Superintendent referred to, submitted a memorandum to the Dewan on 16th April 1917 stating the Company's view of the case, and requesting that, as a charge of 3d. per ton of tailings removed would reduce the margin of profit, owing to the cost of the special machinery required for working the tailings, to a very low limit, the removal might be allowed without the fixed charge and on payment of only the compensation for damage done, if any. Such compensation

Rees

40

compensation in their view would be about Rs.500 for expenditure already incurred in repairs to the Carr Road, about Rs.2,000/- for future flooding of the road, and a sum not exceeding Rs.60/- per annum for the period during which the silting up of the tank with the tailings had prevented, and was likely to prevent, the wet cultivation of the area under the tank until the silt was fully removed by the Company.

Paper under disposal

The whole question has been considered in Council, who are of opinion, that we may reduce the charge of 3d. previously offered to 1½d. per ton of tailings removed, in addition to the royalty and the annual charge not exceeding Rs.60/- for the decrease of wet cultivation during the past and in the future, till all the silt is cleared by the Company, besides the cash compensation agreed to.

Para 108 of the rules. (the percentage is dividend.)

The Public Works Department will be consulted in the matter of the inspection and improvement of the tank.

Para 109 of the rules.

The resolution of the Council may be approved.

P. Rajagopalachariar
23.8.18

23rd August 1918.

Member of Council.

Submitted to His Highness.

I submit herewith for His Highness's perusal a Fianl Note by the Extra Member of Council in regard to the removal, by the Nandidrug and Oorgaum Companies, of the tailings that have been washed into the Sonnakoppam tank bed.

Page 37 of Office Notes

2. The resolution of the Council referred to in the note may be approved.

M. Visvesvaraya

24th Aug 1918.

C. 851

Record of Cases submitted for the Orders of His Highness the Maharaja.

117

Subject.

Grant of permission to the - Oorgaum and the Nandidroog Gold Mining Companies to remove the tailings from the Sonnakuppam tank on certain conditions.

Order.

4. 9. 18.

555-126.
7.9.18.

152.
7.9.18.

7.9.18.

7.9

117
10/9.

10/9

118 Chief Secretary
5.9.18

9/9.
Please draft
submit to extra
number table.
6/9/18

WD 1233—GPB—60,000—1-12-16—S.

2963

G. R. S. III-2]

General and Revenue Secretariat. | G M File No: 387 of 1914-15

Serial No.	
	110 Scheduled with a draft G.O.
	Hill 13-9-18. Bu. 14/9
	12 Extra Number.
	727-296 14-9-18 — 122 Prompts approved.
	88 Where the prompts extend over one page of Mss. typed copies will be put up henceforward. Reed 18.9.18
	123 Issue Bu. 18/9.
18	— To The Director of Geology The Chief Inspector of Mines The Chief Inspector of Explosives The Revenue Board The Executive Engineer, Godavari Delta The Dy. Comr., Kolar. G 1087-92 Dt. 23-9-18 — Directs that the tailings of the Bowringpet tank be allowed to be removed by the Collector of Kolar on certain conditions.

NOTE—Contn. sheet.

Camp Mysore,

G. 5576
Rm 387-14-1

2nd October 1915.

Sir,

With reference to the correspondence ending with your memo No. 31 dated the 17th September 1914 in regard to the grant of permission to the Nandidrug Company Ltd., Ooregam, to work the tailings in the Sonnakuppam tank, I am directed to state as follows:-

2. In the Geological Secretary's letter No.200 dated the 23rd July 1914, the Nandidrug Company Ltd., were informed that they would be permitted to remove the tailings from the Sonnakuppam tank on the following among other terms:-

(i) Royalty at 5 per cent on the gold obtained.

(ii) 2½ per cent on profits or dividends; and

(iii) a fixed charge of 3d. per ton of tailings removed.

3. While agreeing to the first and second conditions which are generally common to all gold mining leases, the Company object to the last condition mainly on the grounds that the tailings were originally their own property and that the

surcharge

suecharge of 3d. per ton is too heavy.

4. Government are unable to accept the contentions of the Company. The Company cannot claim any property in the tailings which were allowed to be washed off by rain out of their control. What were originally the properties of at least two Companies got mixed up in the Tank. The proper presumption, in the circumstances of the case, is that the Company abandoned the right they might have had to the tailings.

5. Quite apart from this question, the Company are bound both under the general principles of law and under clause 42 of the Mining lease already held by them to indemnify lessors from all loss sustained by them by virtue of any act or omission on the part of the Company. The Deputy Commissioner of Kolar reports that the Sonnakuppam Tank is already silted up by reason of the Company's operations and serious damage will result if it is not cleared of the tailings.

6. I am directed to request you to clearly explain the position once more to the Company and to inform them that Government will be prepared to permit the removal of the tailings by the Nandidrug Company, Ltd., provided that in addition to the conditions already accepted by them, they

46

agree to the payment of a fixed charge of 3d. per ton of tailings removed.

7. The matter may be treated as very urgent as the Deputy Commissioner is pressing for early orders in regard to the Sonnakuppam Tank.

30.10.15.

I have the

Dr. W.F. Smeeth, M.A., D. Sc.,
Director of Mines & Geology.

V/24/5 43

47

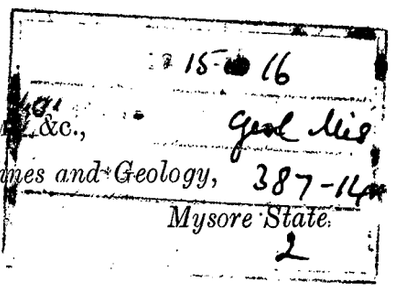
D.M.G. 12] GPB—2,000—23-3-15

No. 3640

Encl- one

BANGALORE, 23rd day May 1916.

DIARY NO. 10187



FROM

DR. W. F. SMEETH, M.A., D.SC., A.R.S.M., &C.,
Director, Department of Mines and Geology,
Mysore State.

To

D.M. Narasinga Rao, Esquire, B.A., B.L.,
Secretary to the Government of His Highness the
Maharaja of Mysore, General Department.

SIR,

With reference to your letter No.G.5576-G.M.387-14-1 dated 2nd November 1915, regarding the terms for the grant of permission to the Nundydroog Co., Ltd., to work the tailings in the Sonnakuppam Tank, I have the honour to inform you that I have duly addressed the Superintendent of the Nundydroog Co. in terms of paras 4 to 6 of your above letter and that he states in his letter, dated 15th May 1916, that Mr. H.M.A. Cooke, the present Superintendent of the Ooregaum Gold Mining Co., wishes to go fully into the matter and requests therefore that it may be allowed to stand over for some time until he has been able to do so. A copy of letter dated 15th May 1916 referred to above from the Superintendent of the Nundydroog Co. is forwarded herewith for your information.

2
19/5/16

Letter, dated 15th May 1916, from the Superintendent, Nundydroog Co., Ltd. to the Director, Department of Mines and Geology.

With reference to your letter No.3488, dated 4th May 1916, regarding the tailings in the Sonnakuppam Tank, this matter as you will doubtless remember, originally came up for consideration when Mr. R.H.P. Bullen was Superintendent of the Ooregaum Mine. On receipt of your letter of the 16th November 1915 I sent a copy to Mr. H.M.A. Cooke who expressed the desire to go fully into the question. As you know, he has been most busy with his new work, and therefore has not yet been able to give this matter his attention.

Will you therefore very kindly allow it to stand over for a while, until he is able to look into it ? In the meantime the Tank is exactly as it has been for years, and the Ryots are doing splendidly with our surplus water, which flows in a continual stream to their fields.

Thanking you in anticipation.

"copy"

Director,

Department of Mines & Geology.

15/6

G. R. S. 26]

G. M. File No. 387-14.

Serial No. 3

Diary No. of letter replied to .....

No. G 16851/2.

General and Revenue Secretariat

( )

, *the* 191 .

Date of issue 17th June 1916

Signed by Mr B L Rao.

To

The Deputy Commissioner

Kolar District.

Sir,

With regard to the question of the removal of the tailings from the Sowcarpet Tank, I am directed to forward herewith for your information, copy of letter no 3640 of 23rd May 1916, received from the Director, Dept of Mines & Geology together with a copy of its enclosure and to request you to be so good as to report whether the question may be allowed to lie over for a time as requested.

I have etc.

over.

Secy to Govt.
G Dept.

SUBJECT

889
13/6

H.C. 82

51

Deputy Commissioner's office,
Kolar District,
Dated Kolar, the 6th July 1916.

DIARY NO. 301

From

P. F. BOWRING, Esquire, J.P.,
Deputy Commissioner, Kolar District.

1914-1915
SECTION G.M.
FILE NO. 387-14
SERIAL No. 15

To

D. M. Narasinga Rao, Esquire, B.A, B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, General Department,
Bangalore.

Sir,

In reply to your letter No.G.16851/G.M.387-14-3 dated the 17th June 1916, on the subject of the removal of the tailings from the Sonnakuppam tank, I have the honor to state that the matter may be allowed to stand over for the present as suggested by the Superintendent. Nandidroog Company.

I have the honor to be,
Sir,
Your most obedient servant,

P. F. Bowring

Deputy Commissioner,
Kolar District.

GPE—55,000 - 17-9-15

From

To

Dated

Despatched

Received

General No.

No.

Enclosure No.

GEN. & REV. DEPT. VAULT GENERAL 7 MAR 1917

5L

WD 01085—GPB—1,000—20-7-16

D.M.G. 13]

GEN. & REV. DEPT. 7 MAR 1917

No. 2534.

BANGALORE, 5th March 1917.
6th

DIARY NO. 7950.

1914-1915
SECTION: G M
FILE NO. 387-14
SERIAL NO. 5

FROM B. Jayaram, Esq., I.G.S.,
~~Dr. W. F. SMEETH, M.A., D.Sc., A.R.S.M., etc.,~~ in charge,
Director, Department of Mines and Geology,
~~Mysore State.~~

To

D. M. Narasinga Rao, Esquire, B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, General Department.

SIR,

In continuation of this office letter No.2389, dated 16th February 1917, I have the honour to state that the Superintendent of the Nundydroog Gold Mining Co. requests that the question of the terms for the grant of permission to that Company to work the tailings in the ~~Swar~~on nakuppam tank may kindly be allowed to remain in abeyance for a while as he wishes to discuss the matter with Mr. Henry C. Taylor of Messrs. John Taylor & Sons who is now in Burmah and is expected to return to the Fields very shortly, and Mr. H.M.A. Cooke, Superintendent of the Ooregum Gold Mining Co.

I have the honour to be,
Sir,
Your most obedient servant,

B. Jaya Ram
Director (in charge),
Department of Mines & Geology.

G. R. S. 26]

GEN. & REV. SECRETARIAT. TYPING Sec. 16 MAR 1917

G.M File No. 387-14
Serial No. 6

Diary No. of letter replied to.....

No. G 12564 ae

General and Revenue Secretariat
( )
, *the* 191 .

To The Deputy Commissioner
Kolar district

Sir,

Date of issue 19/3/1917

Signed by

I am directed to invite reference to your letter no H.C.82 dated 6th July 1916 regarding the question of the removal of the tailings from the Lunakuppam Tank and to forward herewith, for your information, a copy of letter no 2534 dated 6th March 1917, received from the Director (in charge), Dept of Mines & Geology and to request you to be so good as to report whether the question may be allowed to remain in abeyance for some time as requested therein

I have etc

for Secy to Govt.

15/3/17

over.

C. U. D.

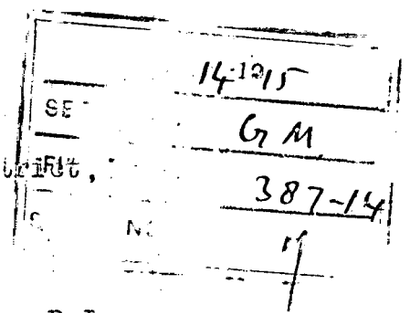
SUBJECT.

Deputy Commissioner's office,

Kolar District,

Dated Kolar, the 23rd March 1917.

No 8541.



From

P. F. Bowring, Esquire., J.P.,

Deputy Commissioner, Kolar District,

To

D. M. Narasinga Rao, Esquire., B.A., B.L.,

Secretary to the Government of Mysore,

General Department, Bangalore.

Sir,

With reference to your letter No.G. 12564/Ming. 387-14-6 of the 19th instant, I have the honor to state that the question of the removal of the tailings from the Sonnakuppam Tank may lie over for sometime as suggested by the Superintendent, Nundidroog Gold Mining Comapny Limited.

I have the honor to be,

Sir,

Your most obedient servant,

L. Narayana

for Deputy Commissioner,
Kolar District.

G. R. S. 26]

GEN. & REV. SECRETARIAT
TYPING Sec.
12 APR 1917

Cr. M. File No. 387-14

Serial No. 8

Diary No. of letter replied to

No. 8 14284

General and Revenue Secretariat

( )

, *the* 191 .

To The Director (in charge),
Dept of Mines & Geology.

Sir,

With reference to the correspondence ending with your letter no 2534 dated 6th March 1917 regarding the question of the removal of the tailings from the Sunna Kyaw Lauk, I am directed to state that Govt have no objection to allow the question to remain in abeyance for sometime as requested therein but they would like the disposal of the matter expedited.

I have etc.

for Secy to Govt.

Date of issue 24.4.1917

Signed by [illegible]

over.

SUBJECT.

56

G.M. 387-14-9

D. O. No. 4424

Telegraphic Address :
"OPIUM, OORGAUM."

THE OOREGUM GOLD MINING COMPANY OF INDIA, LIMITED,

OORGAUM,

PROVINCE OF MYSORE,

INDIA.

April. 16. 1917.

(1) circle
(2) to Dewan's notice
20-4-17

GEN. & REV. SECRETARIAT
GENERAL
30 APR. 1917

9466

My dear Dewan,

SONNAKUPPAM TANK TAILINGS.

Mr. Henry Taylor, after his interview with you on the 7th instant, has requested me to send the following memorandum regarding the Sonnakuppam Tank Tailings, as desired by you.

The facts can be briefly stated as follows :-

The Sonnakuppam tank lies slightly to the East of the Nundydroog and Ooregum Mines.

The nullahs and surface drains on both Mines flow towards the tank.

The stocks of tailings on both Mines have necessarily changed the surface contours and by the forces of nature (i.e., wind and rain) some of the tailings have been washed into the tank, which is off the property of the Mines.

Water from the Mines finds its way by a natural channel across the silted tank and the ryots have now a continuous supply of water which they were unable to obtain previously and were only dependent on the supply in the tank.

We submit that the tailings belong to the Mines and as they have flowed into the tank through forces over which we have

57

no control, we should be allowed to remove them again to our property in return for compensation for damage if there has been any.

Royalty will be paid as usual when the tailings are treated.

It is estimated that there are 150,000 tons of tailings in the tank, of a grade of not more than 1½ dwts per ton.

There is a considerable amount of organic matter in the tank and as is well known, this has a bad effect on the action of the cyanide solutions and it will therefore be a difficult and expensive matter to treat these tailings by this process and the extraction will be low, and adding these enhanced costs to that of the cost of their removal, the estimated profit is exceedingly small.

The estimated extraction will not exceed 1 dwt per ton, or 4/- per ton, and the cost of treatment will not be under 2/- per ton, leaving with the usual Royalty charge of 3d per ton, only 1/9 profit, which will have to cover cost of erection of special machinery for removing the tailings and depreciation of plant.

It is therefore requested that the matter may be reconsidered and that the Mines may remove their tailings from the Tank, paying compensation for damage, if any, only.

I trust the above brief memorandum is all you require, but if there is any point on which you require further information I shall be only too glad to furnish it, if I can possibly do so.

Yours very truly,

Henry M. A. Cooke

Sir Mokshagundam Visvesvaraya, K.C.I.E.,
Dewan of Mysore,
Bangalore.

U.M. 387-14-10

25.4.17

Issued D. O. No. 4876

26 58 Mysore

My dear Sir,

I am desired to acknowledge the receipt of your letter of the 16th April 1917 to the address of the Dewan regarding the removal of the tailings in the Sonnakuppam tank and to state that the question will be examined again and the decision of Government communicated to you in due course.

25.4.17

Yours truly,

P. S. D.

H.M.A. Cooke, Esq.

G. R. S. 26

GEN. & REV. SECRETARIAT. TYPING Sec. 2 MAY 1917

59

G. M. File No. 387-14.

Serial No. 1

Diary No. of letter replied to

No. G 14 611

General and Revenue Secretariat

( )

, *the* 191 .

To The Director (in charge),
Dept of Mines & Geology.

Sir,

In continuation of this office
letter no Cr 14 284 / G.M. 387-14-8-2
24-4-17, I am directed to request that
relating to
the file of papers on the subject of the
Nundydroog company's application for
permission to work the tailings in the
Somakeppam Tank may kindly be
forwarded for reference. The same
~~The file~~ will be returned when no
longer required.

I have etc.

Date of issue 2nd May 1917

Signed by Mr. J.E.O. Aiyar

2/5/17

for Secretary to Govt.

VS

Contd. over.

SUBJECT.

GEN. & REV. SECRETARIAT
GENERAL
5 - MAY. 1917

WD 2037—GPB—2,000—7-3-17.

D.M.G. 13]

BANGALORE, 4th May 1917.

No. 2991.

Encl. one file

9689.

1914-1915
SECTION G.M.
FILE NO. 387-14
SERIAL NO. 12

FROM

B. Jaffaram, Esq., F.G.S.,
Director (in charge), Department of Mines and Geology,
Mysore State.

5 MAY 1917

To

D.M. Narasinga Rao, Esquire, B.A.,B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore,
General Department.

SIR.

In compliance with your letter No.G.14611/G.M.387-14-11, dated 2nd May 1917, I have the honour to forward herewith the file of papers ending with your letter No.G.5576-G.M. 387-14-1, dated 2nd November 1915, on the subject of the Nundydroog Company's application for permission to work the tailings in the Sonnakuppam Tank and to request the favour of its return to this office when done with.

I have the honour to be,
Sir,
Your most obedient servant,

M. Varadaraja
For Director (in charge),
Department of Mines & Geology.
(Absent from Head Quarters).

C.N.

18/6/17

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to .. ..

GENERAL AND REVENUE SECRETARIAT

( )

, *the* . . 191 .

Date of issue 18. 6. 17

Signed by M. Hafeez

Section G.M.

File No. 387-14.

Serial No. 13.

No. G/6845

To The Deputy Commissioner, Kohat.

Sir,

I am directed to invite your attention to the correspondence ending with your letter No. Ref. H.C. 82 dated 23rd March 19 regarding the question of granting permission to the Khundey drog Company Ltd to work tailings in the Sanoakkeppain Tank and to state that the company request that they may be allowed to remove the tailings on payment of compensation for the damage done to the tank by the tailings being allowed to be washed into it.

P. T. O.

(3)

I am to request the favour of a report as to what sum the said owners are willing to pay as damage and whether the said sum would be adequate compensation.

I have etc.

for Secretary
Geological

Mines.

Copy of the above is forwarded to the with compliments

Director (in charge), Dept of Mines & Geology
Chief Inspector of Mines
for information.

By order

for Secretary
Geological

List of enclosures

Copied by

Examined by

R. NO. 117.
1914-1915
SECTION: G.M.
FILE NO. 387-14
SEE NO. 14

Deputy Commissioner's office,
Kolar District,
Dated Kolar, the 30th June 1917.

From

B. Venkoba Rao, Esquire., B.A.,
Offg. Deputy Commissioner,
Kolar District.

To

D. M. Narasinga Rao, Esquire., B.A., B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

Sir,

With reference to your letter No.G. 16845-G.M. 387-14-13 dated the 18th June 1917, regarding the working of the tailings in the Sonna kuppam tank by the Nandydroog Company, I have the honor to state that I see from the letter under reference that the company ask for permission being granted to work the tailings on payment of compensation for the damage done to the tank but from the correspondence that has taken place between this office and the Mining Company there is no reference to show that the company had ever expressed their willingness to pay compensation. I therefore request that you may be so good as to favour me with a copy of the communication or references of the Mining company in the matter so that I may address the Superintendent on the subject.

I have the honor to be,
Sir,
Your most obedient servant,

B. Venkoba Rao

Offg. Deputy Commissioner,
Kolar District.

R.T.

917/(917)

64

G. R. S. VI—G/32]

SUBJECT..... 24 ✓ 7/7 .....

.....

.....

Diary No. of letter replied to.....

Section G 11

File No. 387-14

Serial No. 15

GENERAL AND REVENUE SECRETARIAT,

( )

, the 191 .

No. G. 245 ane

Date of issue 9th July 1917

To

The Deputy Commissioner
Kolar District

Sir,

Mr J Ej Aijar

With reference to your letter

P.U.D.

No Ref M.C.22 dated 30th June 1917,-

regarding the working of the tailings in the

Sonna Kuppam tank by the Kundy droog-

company, I am directed to forward herewith

S.

an extract from letr dated 16th April 1917

received

from Mrs. N.M.A. Cooke in the matter of

payment of compensation for damage done

to the tank.

sl 13.

2) The report called for in this office letr

dt 18-6-1917 may kindly be submitted at an early

date. I have etc.

7/7/17

For Secy to Govt

G Woodhouse.

7/7/17

Extract from letter dated 16th April 1917 from Mr H. W. A Cooke to the Government of H.H. the Maharaja of Mysore.

Sonnakuppam Bank Tailings.

We submit that the tailings belong to the Mines and as they have flowed into the tank through forces over which we have no control, we should be allowed to remove them again to our property in return for compensation for damage if there has been any.

× × × × ×

It is therefore requested that the matter may be reconsidered and that the Mines may remove their tailings from the Bank, paying compensation for damage, if any, only.

4/5 6/2/17

GEN. & REV. SECRETARIAT
GENERAL
29 AUG. 1917.

W.D. 0244—GPB—6,00,000—19-5-16—S.

191

From

The Deputy Commissioner,
Kolar District.

To

The Secretary to the
Government of Mysore,
General Department,
Bangalore.

Dated 27th August 1917.

Despatched 28-8-1917

Received

General No. Ref: H.C 82

No.

Enclosure No. V. 16-17.

29 AUG 1917

stating that a final report will be submitted to Govt: in the matter of payment of Compensation by the Nandidrug Company for damage done to Lonakuppa tank by the tailings being allowed to be washed into it, as soon as the matter assumes a definite shape.

No. 1687

19 -19
[illegible]
[illegible]
[illegible]

Deputy Commissioner's Office,
Kolar District,
Dated Kolar, the 27th August 1917.

B. VENKOBA RAO, Esquire., B.A.,
Offg. Deputy Commissioner, Kolar District.

D. V. NARASIMHA RAO, Esquire., B.A.,B.L.,
Secretary to the Government of Mysore,
General Department, Bangalore.

In reply to your letter No.2538 dated the 25th August 1917, requesting me to report what amount the Nandidroog Company are willing to pay as compensation for damage done to Sonnakuppam Tank by the tailings allowed to be washed into it, I have the honor to state that both -- the Kolar and Nandidroog Companies are interested and that Mr.Cooke and Mr. Richards, the Superintendents of the Mines said that they were not aware of any damage being done at all and that the damage done, if any, might be mentioned to them. Thereupon the Executive Engineer and the Amildar were asked to furnish information. The Executive Engineer assesses at Rs. the compensation for improvements of the Carr Road necessitated by silting up of Sonnakuppam Tank. The Amildar says that 14 acres 32 guntas of wet land have become dry and promises to send a report of the names of the ryots for remission. The immediate submission of this report has been called for from the Amildar. Mr. Cooke and Mr. Richards have been informed of the damage reported and their reply is awaited. A report will be submitted to Government as soon as the matter --

assumes a definite shape which is expected shortly.

I have the honor to be,

S i r,

Your most obedient servant,

Offg. Deputy Commissioner,
Kolar District.

C.R.S.

No. H.C. no 82 of 16-17 Deputy Commissioner's Office,
Ex 2 Kolar District,

Dated Kolar, 8th October 1917.
9

REV. SECT. V
7 OCT 1917
11 OCT. 19
2963
DIARY NO. 296
1914-1915
SECTION G.M
FILE NO. 387-14
17

From

B. Venkoba Rao, Esq., B.A.,
Deputy Commissioner,
Kolar District, Kolar.

To

C.S. Balasundaram Iyer, Esq., B.A.,
Secretary to the Government of Mysore,
General Department,
Bangalore.

Sir,

Adverting to correspondence ending with my letter No. H.C. 82 dated the 25th September 1917, regarding the permission sought by the Nandydroog and Oorgaum Gold Mining Companies to remove tailings from the Sonnakuppam Tank, on payment of compensation for the damage done to the said tank by the tailings being allowed to be washed into it, I have the honor to state as follows :-

1. I inspected the tank, the lands under the tank and the Carr Road skirting the bed of the tank, in the presence of Mr. Karve, the Executive Engineer, the Mining Officers Mr. C.H. Richards and Mr. H.M.A. Cooke, and the Amildar and ryots. The Mining Companies wish to take only the tailings that have been blown into the tank from their property and it appears not unreasonable to allow the Mining Companies to take their tailings on payment of a reasonable compensation to Government,

for

for the damage caused by the tailings remaining in the Government tank. As already reported, the Superintendents of the Mines said at first that they were not aware of any damage caused by the silting up of the Sonnakuppam tank, but it is obvious after the enquiry held by me, that both the Carr Road and some of the lands under the tank have sustained some damage. The damage caused to the Carr Road in the past required repair to the extent of Rs. 500, and the further damage that is likely to be caused to the Carr Road, unless the Superintendents of the Mines take the necessary action, will cost about Rs. 2000/- for repair. As regards the wet lands under the Sonnakuppam tank, on which dry crops only are being grown, it is difficult to say without further enquiry whether the deficiency of the water is not due to the insufficient storage capacity of Sonnakuppam tank, which is only about 23 units as compared with the atchakat of 61 acres. It is therefore not possible to say without further enquiry, whether the Mines are really responsible for the growing of only dry crops on the wet lands in question, which are for 14 ac- 33 G in extent. At the same time, it is not possible to convert the wet lands in question immediately into dry, as it is desirable to see the effect of the scooping out of the tank bed, on the storage capacity of the tank.

2. I am therefore of opinion, under all the circumstances, that the Superintendents of the Mines cannot be asked to pay to Government more than what the Government will have to concede to the ryots as remission, on further enquiry. Such amount will not be more than Rs. 60/- a year on the 14 ac- 33 G in question, and it will have to be paid by the Mines from the time the tank silted up to the time the tank is scooped out, i.e., for about 10 years in the past, until the scooping out of the tank in the future.

3. The Superintendents of the Mines have promised to take every care to prevent the sands again silting up the tank once they are removed, and agree to pay in the way of royalties what is stipulated for in their Leases.

4. A copy of the letter that I wrote to the Superintendents of the Mines, suggesting the measure of damages, and a copy of their reply, agreeing to the terms proposed, are enclosed.

5. I beg to recommend that the terms agreed to by the Mining Companies may be accepted as being fair, and that permission may be given to them to remove their tailings from the Somnakuppam tank, on the conditions proposed.

I have the honor to be,

S i r ,

your most obedient servant,.

Deputy Commissioner,

Kolar District.

D.O. No. 9 dated the 22nd September 1917, from the Deputy Commissioner, Kolar District, to Mr. C.H. Richards, Superintendent, Nandydroog Mine.

With reference to our joint inspection this morning, of the lands under the Sonnakuppam tank for which wet assessment is levied, I would make the following proposal :-

For the damage caused by the cyanide sand having silted up the Sonnakuppam tank, you may pay -

I. For the Carr Road -

(a) the amount already spent on the Carr Road by the Public Works Department, on account of the flooding caused by the silting up of the Sonnakuppam tank. This will come to about Rs. 500/-.

(b) the amounts that will hereafter have to be spent by the D.P.W. on the Carr Road, until the scooping out of the tank is completed by you, if flooding of the Carr Road continues. This will come to about Rs. 2,000/- and will be capable of substantial reduction, if you will, by work executed at your own cost, minimise the damage to the Carr Road.

II. For the loss of water to the wet lands below the Sonnakuppam tank, an amount equal to the remission which the Government will have to give to the ryots. This amount will not exceed Rs. 60/- per year and will have to be paid for about 10 years in the past, and in the future, for every year until the Sonnakuppam tank is completely scooped out by you. The exact amount of remission that will be sanctioned to ryots by Government will be determined after a detailed investigation, and may be less than the amount indicated, i.e., Rs. 60/- per year, but will not exceed it. The area on which wet assessment is levied but only dry crops are grown, is reported to be 14 ac- 33 G.

If you will kindly write to me that you agree to pay the amounts indicated above, I shall be able to submit a report to Government. I do not, of course, touch the question of the royalty payable on gold produced and dividends paid. With regard to the other matters mentioned in my previous letter, such as, providing a retaining wall of cyanide sand to prevent the blowing up of dust and the possibility of storing the cyanide sand in a place where it would do least harm, I hope you will be able to send me a reply, when answering this letter.

Kindly communicate the contents of this letter to Mr. Cooke also and send me a joint reply, if possible.

"Copy"

Deputy Commissioner,

Kolar District.

Letter dated 24th September 1917, from Messrs. H.M.A. Jooke and C.H. Richards, to the Deputy Commissioner, Kolar District.

We are obliged to your D.O. No. 9 dated 22nd instant, with refrence to the matters arising out of the silting up of Sonnakuppam tank.

The Oorgaum and Nandydroog Companies are prepared to pay the following amounts :-

(1) About Rs. 500/- (five hundred) for the expenditure already incurred on Carr Road, due to flooding of the road consequent on insufficient water-way caused by the ~~sands~~ sands in the tank.

(2) About Rs. 2000/- (two thousand) more, if flooding of Carr Road continues. As we mentioned to you on Saturday the retaining bund we have already put up, has, during the recent heavy rains, kept the road quite free of water. This will be maintained, and there should be no further flooding of the road.

(3) For loss of water to the wet lands below the tank, we are prepared to pay the remission which the Government will allow the ryots on the 14 acres and 33 guntas affected. This amount not to exceed Rs. 60/- per year, and may have to be paid for the past 10 years, depending upon the result of your detailed investigation as to whether some of the 14 acres 33 guntas have ever wet cultivated. The amount of Rs. 60/- may therefore be less, but will not be greater in any case. We further agree to pay the remission i.e. Rs. 60/- or less, every year until the sands are removed from the tank and water-way again provided for the ryots.

We quite understand you are unable to say anything in regard to the Royalty Government asks for on the Gold produced, from the sands in this tank, but we, on our part, agree to the payments above mentioned provided we are not asked to pay more in the way

of Royalties than is stipulated for in our Leases.

We will take every care to prevent the sands again silting up the tank once they are removed. The arrangements for doing this may be left to us.

"Copy"

Deputy Commissioner,

Kolar District.

6 copies

G.R.S. VI-71]

SUBJECT..... ~~Granting~~ Granting permission to the Company of the Nundydroog Co. to remove the tailings from the Sonna Keppam tank on certain conditions.....

Diary No. of letter replied to.....

Section G. M.

File No. 387-14

Serial No. 18

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, the *191* .

Date of issue 23-9-18

D

Signed by.....

Read.—

Letter no G-5-5-7-6-1-G.M-387-14-1 dated 4-Dec-1915 from the Secretary to Govt, General dept, to the Director, dept of Mines and Geology, stating that the Nundydroog Co. Ltd., would be permitted to remove the tailings from the Sonna Keppam tank only if they agreed to pay a fixed charge of 3d per ton of tailings removed in addition to the following conditions which had already been accepted by them:—

(1) Royalty at 5 per cent on the

P. T. O. over.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Order Thereon:— ~~No.~~

obtained;

2½ per cent on profits or dividends.

Letter dt the 11th April 1917

M.M.A. Cooke representing that

be a difficult and expensive

to treat the tailings, that the

coal be low and the profit

ly small and requesting

these circumstances the Collegamun

dy droog Mines may be permitted

the tailings on paying

ion for the damage done by

gs being allowed to be

the formation called

to it (in lieu of the

ge of 3/- d per ton).

er no A.C. 82 of 16-17 dated

1917 from the Deputy

Kolar district, reporting

giving intimation to Messrs

ke and C.H. Richards of

the damage done by the

Copied by

Examined by

of the tank they have sent

stating

that the Collegamun and

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

the Kundy droog companies are prepared to pay - - - - - - - - - -

(a) about Rs 500/- being the amount already spent by the P. W. D. on account of the flooding of the Carr Road by the silting up,

(b) about Rs 2000/- more if the flooding of the Carr Road continues ~~but~~ which the companies do not expect any further flooding of the road as a retaining bund which has already been put up by them will be maintained, and

(c) the amount of wet assessment ~~which~~ for which the Govt will remit in consequence of non supply of water to 14 acres, 33 guntas of wet lands below the tank not only for the past ten years but also for every year in future until the failing ~~tanks~~ ~~are~~ that removed from the tank and water-way again provided for the ryots, ~~and Accepting~~ amending ~~dung~~ that the terms agreed to

companies may be accepted

modification of the terms
the first of the letters read
are pleased to direct that
in the Sonna Kuppam tank
to be removed by the Bobegamm
Hydroog Companies on the
by them,
royalty at 5 per cent on
obtained,
2½ per cent on profits or
and,
(c) a fixed charge of 1½ d per ton
rulings removed and
the following
(b) compensation for the damage
by the setting up of the tank, which
as follows :-
(1) about Rs 500/- being the expenditure
incurred by the P.W.D. on the repairs of
the Cart Road;
(2) about Rs 2000/- that will have
to be spent by the P.W.D on the said

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

from the tank by the mining companies if the flooding of the road continues this from being liable to reduction if by reason of works executed by the companies the damage to the roads is minimised;—

and (3) such remission of assessment as the Govt will have to grant for the last ten years on account of the non-supply of water to 14 acres and 33 gunt of wet lands below the tank and also such time as the tailings till the lands are removed completely and from the tank can be tank water is made available for the cultivation of these lands, above exceeding Rs 60/- per annum.

The Chief Engineer is requested to inspect the tank and take needful action for its improvement.

Para 109 of the [illegible]

Rec'd 15.9.18.

By.

for Chief Secretary to Govt.

12/9/18

To The Dy Director, Dept of Geology with a The Chief Inspector of Mines in Mysore. of the The Chief Engineer of Mysore. The Ex Comm. in Mysore. The Comptroller to Govt The Deputy Commissioner, Kolar District

GPB—20,000—7-7-14